

## **Operation Synopsis of Rights on The Provo River**

The Provo River in the Morse Decree is divided into four districts as follows:

Wasatch 1	Being the Woodland area
Wasatch 2	Heber Valley between Jordanelle Reservoir and the Upper Midway Bridge
Wasatch 3	Between the Upper Midway Bridge and Deer Creek Reservoir
Provo	Below Deer Creek Dam

The first diversions from the river, at the head, are for Washington, Trial and Lost Lakes. Water is stored here from November 1 until they fill or 17<sup>th</sup> class runs out in the spring. These rights are owned by the Central Utah Water Conservancy District (CUWCD). They may be released to Jordanelle Reservoir or used in the Kamas area in several ways.

They may be put in the Washington South Kamas Canal to deliver Big Elk (an original upper lake) replacement water to Washington Irrigation Co. They may be put in this same canal or in the Woodland area in exchange for Deer Creek storage water owned locally and the Deer Creek storage is given to CUWCD. They may also be delivered locally as CUWCD water. If there is not sufficient storage water available from these upper lakes natural flow may be used from the river and replaced with CUWCD water from Jordanelle Reservoir.

There are numerous small diversions from the river in the Woodland area. In addition, water is introduced to the Provo River from the Duchesne Tunnel, Shingle Creek, Weber Provo Canal and Ontario Tunnel.

Water from Shingle Creek belongs to Provo Reservoir Company and is delivered directly to them. The Duchesne Tunnel water belongs to the Provo River Water Users Association (PRWUA) and may be used by its stockholders in the Woodland area, stored in Jordanelle Reservoir and exchanged to Deer Creek Reservoir or delivered down the river directly to Deer Creek. Water brought through the Weber-Provo Canal may be Echo Storage or 9580 belonging to Provo Reservoir Company and Extension Irrigation Company or Power Water or Weber Surplus both belonging to Provo River Water Users Association. Water belonging to Provo Reservoir or Extension Irrigation is delivered directly to them. Water belonging to PRWUA may be stored in Jordanelle and exchanged to Deer Creek Reservoir or delivered directly to Deer Creek Reservoir.

Other water stored in Jordanelle may be upper lake water stored statistically based on how Washington Lake fills coupled with the contents of Trial and Lost Lake; CUWCD water from the Provo river; PRWUA water from the Provo River; or water withheld from rights historically used in Heber Valley and stored as conserved water.

Upper lake water is delivered to right holders in Heber Valley and to Provo City and Provo Reservoir Company downstream. CUWCD water may be released and recaptured in Deer Creek Reservoir or delivered directly to its customers in Heber Valley or below Deer Creek. PRWUA water may be stored and exchanged to Deer Creek or released later to Deer Creek Reservoir.

Conserved water is stored and later released for mostly non consumptive use in Heber Valley or to make up river flow for users downstream.

It is noted that any water released from the upper lakes and delivered before it reaches Jordanelle Reservoir is charged a 4 percent transportation loss. Also, any water crossing the axis of the Jordanelle Dam is charged a 4 percent loss.

A fish flow of 125 cfs minimum flow must be maintained between Jordanelle and Deer Creek Reservoir.

Natural flow rights in Wasatch districts 1, 2, and 3 are delivered as outlined in the Morse Decree as follows:

#### **General Provisions of The Provo River Morse Decree**

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It is further ordered, adjudged and decreed, that the storage waters, the Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, turned into and comingled with the waters of Provo River, shall bear each its respective loss by evaporation and seepage, and shall bear each its respective proportion of the cost of distribution and administration of the orders of the Court and the Decree herein, and;

The final determination and fixing of the quantity of water that should be deducted for loss in transmission of the stored waters, the Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, turned into and comingled with the waters of the Provo River, is postponed until such time as observations and measurements will enable the Court to fix the same with reasonable certainty. The Court will therefore retain jurisdiction of this case for that purpose and at some future time, upon application of any party interested therein, will hear such evidence as may be available, and determine the amount of loss in transmission of such water. Pending such hearing and determination there may be deducted from the stored waters, four percent of their volume, for loss by evaporation and seepage.

That the Commissioner shall determine, when practicable, the quantity of loss by evaporation and seepage, of the waters in this paragraph referred to.

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It is further ordered, adjudged and decreed, that excepting storage waters, Ontario Drain Tunnel waters, waters diverted from the Weber River watershed, the waters used for the generation of power in the Wasatch Division, and denominated "Wasatch Division Power Rights", the waters used for the generation of power in the Provo Division by the Utah Power & Light Company, the waters of the Midway Waterworks Company, and the waters for domestic and municipal uses of Provo City as set out in subdivision (e) paragraph 4; whenever the quantity of water is insufficient to supply a class, then the persons and parties entitled thereto shall have the same distributed to them pro rata according to the quantities to which they are entitled to said class.

It is further ordered, adjudged and decreed, that except as to storage waters, the Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, the parties herein named are entitled to the right to the use of the waters of said Provo River in the classes in which they are named in each of said divisions, and no class or party in said class shall use any of such water so long as the water flowing in said river and the canals is insufficient to supply the preceding classes with the quantities of water to which they are entitled as hereinbefore stated.

It is further ordered, adjudged and decreed, that the plaintiff and the defendants having the right to store water in their several reservoirs, as hereinbefore stated, have the right to release said waters in the quantities and at such times as they may elect, and to comingle the same with the waters of Provo River, and then be taken out less the losses by evaporation and seepage.

(a) It is further ordered, adjudged and decreed, that, the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth Classes in the First and Second Districts of the Wasatch Division shall receive their whole supply, when available and present, in said classes as hereinbefore stated, before other rights.

(b) That in the period of May 15<sup>th</sup> to August 10<sup>th</sup> of any year, the Seventeenth Class in the First and Second Districts of the Wasatch Division shall receive their whole quantity in said class, as hereinbefore stated, before the rights in the Provo Division and the Third District of the Wasatch Division.

(c) Whenever, between May 1<sup>st</sup> and June 25<sup>th</sup> of any year, the quantity of water in said river and the canals of the parties hereto, in the First and Second Districts of Wasatch Division is insufficient to supply the two districts, above named, with the full quantity of the waters denominated as the Seventeenth Class, the said First District shall have the right to its full quantity of said Seventeenth Class, before the said Second District.

(d) That, the First Class in the Third district of the Wasatch Division, shall receive their whole quantity in said class, as hereinbefore stated, before the rights in the Provo Division.

(e) That the defendants hereto, in the Provo Division, shall receive their whole quantity, as hereinbefore stated, and the plaintiff shall receive one second foot of water per seventy acres of land, before the Seventeenth Class of the Third district of the Wasatch Division.

(f) That in the period of May 1<sup>st</sup> to May 15<sup>th</sup> in any year, the defendants in the Provo Division and the First Class Rights in the Third District of the Wasatch Division, shall receive their whole quantity, as hereinbefore stated, and the plaintiff shall receive one second foot of water per seventy acres of land, before the Seventeenth Class of the First and Second Districts of the Wasatch Division.  
(End of quote from the Morse Decree)

Water stored in Deer Creek Reservoir may belong to PRWUA or CUWCD. PRWUA water is used by its stockholders downstream or upstream stockholders may exchange their water with CUWCD to enable their use. CUWCD water may be used downstream or exchanged upstream for PRWUA water in Jordanelle.

Natural flow water diverted below Deer Creek Reservoir is delivered on a priority basis until the last 229 cfs (First Class Rights). It is then delivered on a percentage basis.